

10-31-2017

## Decriminalization of Psilocybin. Initiative Statute.

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The Attorney General of California has prepared the following title and summary of the chief purpose and points of the proposed measure:

**DECRIMINALIZATION OF PSILOCYBIN. INITIATIVE STATUTE.** Decriminalizes use, possession, sale, transport, or cultivation of psilocybin (a hallucinogenic compound) by persons at least 21 years of age. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: **Reduced costs, not likely to exceed a few million dollars annually, to state and local governments related to enforcing psilocybin-related offenses, handling the related criminal cases in the court system, and incarcerating and supervising certain psilocybin offenders. Potential increase in state and local tax revenues, not likely to exceed a couple million dollars annually, related to the production and sale of psilocybin.** (17-0024.)

RECEIVED

AUG 25 2017

INITIATIVE COORDINATOR  
ATTORNEY GENERAL'S OFFICE

Initiative Coordinator  
Office of the Attorney General  
1300 I Street, 17<sup>th</sup> Floor  
Sacramento, CA 95814

Re: California Psilocybin Legalization Initiative

The undersigned hereby respectfully requests and submits this initiative measure to amend a California Statute as set forth below and that the Attorney General's Office prepare a circulating title and summary for the proposed initiative measure. We are not seeking any changes to the California Constitution. The full text of the initiative measure is as follows:

This initiative (1) exempts adults, 21 and over, from criminal penalties and decriminalizes adult use of Psilocybin. (2) Exempts adults, 21 and over, from California Health and Safety Codes 11390 and 11391, which otherwise prohibit possession, sale, transport and cultivation of Psilocybin.

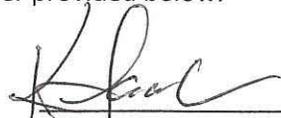
The undersigned further hereby certifies and states, in accordance with the provisions of Sections 9001 and 9608 of the California Elections Code, as follows:

"I, Kevin P. Saunders, declare under of perjury that I am a citizen of the United States, 18 years of age or older, and a resident of the County of Monterey, California."

"I, Kevin P. Saunders, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot."

A cashier's check for the applicable fee of \$2000, made payable to the State of California is enclosed. If you have any questions, please contact me by email or by phone number provided below.

Kevin P. Saunders | [saunders4mayor@gmail.com](mailto:saunders4mayor@gmail.com)  
Kevin P. Saunders | 831-521-1469

  
Kevin P. Saunders  
Dated this 22 day of 8 2017

Initiative Coordinator  
Office of the Attorney General  
1300 I Street, 17<sup>th</sup> Floor  
Sacramento, CA 95814

Re: California Psilocybin Legalization Initiative

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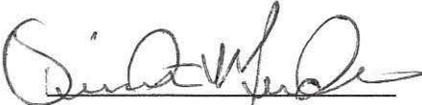
The undersigned further hereby certifies and states, in accordance with the provisions of Sections 9001 and 9608 of the California Elections Code, as follows:

"I, Dimitric Merchant, declare under of perjury that I am a citizen of the United States, 18 years of age or older, and a resident of the County of Monterey, California."

"I, Dimitric Merchant, acknowledge that it is a misdemeanor under state law (Section 18650 of the Elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot."

A cashier's check for the applicable fee of \$2000, made payable to the State of California is enclosed. If you have any questions, please contact Co-Proponent Kevin P. Saunders him by email or by phone number provided below.

Kevin P. Saunders | [saunders4mayor@gmail.com](mailto:saunders4mayor@gmail.com)  
Kevin P. Saunders | 831-521-1469

  
Dimitric Merchant  
Dated this 22<sup>nd</sup> day of 8, 2017



**ALEX PADILLA**  
California Secretary of State

**AP17:094**

**FOR IMMEDIATE RELEASE**

**November 1, 2017**

**CONTACT:**

**SOS Press Office**

**(916) 653-6575**

## **Proposed Initiative Enters Circulation** ***Decriminalization of Psilocybin. Initiative Statute.***

**SACRAMENTO** – Secretary of State Alex Padilla announced the proponents of a new initiative were cleared to begin collecting petition signatures yesterday.

The Attorney General prepares the legal title and summary that is required to appear on initiative petitions. When the official language is complete, the Attorney General forwards it to the proponent and to the Secretary of State, and the initiative may be circulated for signatures. The Secretary of State then provides calendar deadlines to the proponent and to county elections officials. The Attorney General's official title and summary for the measure is as follows:

### **DECRIMINALIZATION OF PSILOCYBIN. INITIATIVE STATUTE.**

Decriminalizes use, possession, sale, transport, or cultivation of psilocybin (a hallucinogenic compound) by persons at least 21 years of age. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: **Reduced costs, not likely to exceed a few million dollars annually, to state and local governments related to enforcing psilocybin-related offenses, handling the related criminal cases in the court system, and incarcerating and supervising certain psilocybin offenders. Potential increase in state and local tax revenues, not likely to exceed a couple million dollars annually, related to the production and sale of psilocybin.** (17-0024.)

The Secretary of State's tracking number for this measure is 1821 and the Attorney General's tracking number is 17-0024.

The proponents of the measure, Kevin P. Saunders and Dimitric Merchant, must collect the signatures of 365,880 registered voters (five percent of the total votes cast for Governor in the November 2014 general election) in order to qualify it for the ballot. The proponents have 180 days to circulate petitions for the measure, meaning the signatures must be submitted to county elections officials no later than April 30, 2018. The proponents can be reached at (831) 521-1469 or [saunders4mayor@gmail.com](mailto:saunders4mayor@gmail.com).

###

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October 16, 2017

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OCT 16 2017

Hon. Xavier Becerra  
Attorney General  
1300 I Street, 17<sup>th</sup> Floor  
Sacramento, California 95814

INITIATIVE COORDINATOR  
ATTORNEY GENERAL'S OFFICE

Attention: Ms. Ashley Johansson  
Initiative Coordinator

Dear Attorney General Becerra:

Pursuant to Elections Code 9005, we have reviewed the proposed statutory initiative related to psilocybin (A.G. File No. 17-0024).

### Background

**Psilocybin.** Psilocybin is a naturally occurring hallucinogen found in certain species of mushrooms that are often referred to as psychedelic or “magic” mushrooms. When an individual uses psilocybin—typically by ingesting mushrooms containing it—the user temporarily experiences hallucinations as well as changes in thoughts and emotions.

**State Law.** Under current state law, the cultivation, possession, distribution, transportation, and sale of psilocybin—including mushrooms containing psilocybin—is generally illegal in California. Penalties for psilocybin-related activities vary depending on the offense. For example, possession of psilocybin is generally punishable as a misdemeanor and may result in up to a one year sentence in county jail and/or a fine, while selling psilocybin is a felony and may result in a jail or state prison sentence. Currently, there are very limited data specifically for psilocybin-related offenses. However, we estimate that the number of such offenders currently in state prison and county jail is very minor relative to the overall prison and jail population.

**Federal Law.** Federal laws classify psilocybin as an illegal substance and provide criminal penalties for various activities relating to its use. These laws are enforced by federal agencies that may act independently or in cooperation with state and local law enforcement agencies.

### Proposal

The measure “exempts adults, 21 and over, from criminal penalties and decriminalizes adult use of Psilocybin.” Despite these changes to state law, activities related to the use of psilocybin would continue to be prohibited under federal law.

### Fiscal Effects

There is some uncertainty about how the measure would be interpreted by the courts. For the purpose of our analysis, we assume the measure would be interpreted broadly to legalize the

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cultivation, possession, distribution, transportation, and sale of psilocybin and mushrooms containing it for adults 21 years of age and over. To the extent that is not the case or the federal government exercises its discretion to enforce federal prohibitions on psilocybin-related activities otherwise permitted by this measure, the revenue and expenditure impacts discussed below could be greatly reduced.

***Reduction in Various Criminal Justice Costs.*** The measure would reduce costs to the state and local governments by reducing the number of psilocybin offenders incarcerated in state prison and county jail, as well as the number placed under community supervision (such as county probation). In addition, the measure would result in a reduction in state and local costs for the enforcement of psilocybin-related offenses and the handling of related criminal cases in the state court system. In total, the reduction in costs would likely not exceed a few million dollars annually. In many cases, however, these resources would likely be redirected to other law enforcement and court activities.

***Effects on State and Local Revenues.*** State and local governments could receive additional revenues, such as sales taxes from psilocybin sales permitted under this measure. This is because many individuals who are currently purchasing psilocybin illegally could begin purchasing it legally under state law at businesses that collect sales taxes. In addition, the measure could result in an increase in other taxable economic activity in the state, as businesses and individuals currently producing and selling psilocybin illegally could begin doing so legally under state law and pay personal income and corporation taxes. We estimate that these potential increases in tax revenues likely would not exceed a couple million dollars annually.

***Summary of Fiscal Impact.*** We estimate that this measure would have the following fiscal effects:

- Reduced costs, not likely to exceed a few million dollars annually, to state and local governments related to enforcing psilocybin-related offenses, handling the related criminal cases in the court system, and incarcerating and supervising certain psilocybin offenders.
- Potential increase in state and local tax revenues, not likely to exceed a couple million dollars annually, related to the production and sale of psilocybin.

Sincerely,

for   
\_\_\_\_\_  
Mac Taylor  
Legislative Analyst

for   
\_\_\_\_\_  
Michael Cohen  
Director of Finance